

**FILED**

12/11/2012

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**RECEIVED**

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THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

Tyrone Petties

(Enter above the full name  
of the plaintiff or plaintiff in  
this action)

12CV9353  
JUDGE MAROVICH  
MAGISTRATE COLE

vs.

Case no. \_\_\_\_\_  
(To be supplied by the Clerk of this Court)

Wexford Health Sources, Inc.

Dr. Imhot Carter

Dr. Obasi

(Enter above the full name of ALL  
defendants in this action. Do not  
use "et al.")

**CHECK ONE ONLY:**

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983  
U.S. Code (state, county, or municipal defendants)

☐

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE  
28 SECTION 1331 U.S. Code (federal defendants)

☐

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR  
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

**I. Plaintiff(s):**

- A. Name: Tyrone Petties
- B. List all aliases: N/A
- C. Prisoner identification number: N 52785
- D. Place of present confinement: Stateville Correctional Center
- E. Address: P.O. Box 112 Joliet, Illinois 60434

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

**II. Defendant(s):**

(In **A** below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in **B** and **C**.)

- A. Defendant: Wexford Health Sources Inc.  
Title: Healthcare vendor  
Place of Employment: Stateville Correctional Center
- B. Defendant: Dr. Imhot Carter  
Title: medical director  
Place of Employment: Stateville Correctional Center
- C. Defendant: Dr. Olasi  
Title: medical director  
Place of Employment: Stateville Correctional Center

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: 12 CC 0683
- B. Approximate date of filing lawsuit: 4-4-11
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Sydney Otter
- D. List all defendants: Stable c c
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Will County
- F. Name of judge to whom case was assigned: \_\_\_\_\_
- G. Basic claim made: injury
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): it was dismissed and appealed
- I. Approximate date of disposition: \_\_\_\_\_

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

1. On January 19, 2012 plaintiff was coming back from gym and was walking up the stairs in unit C at Stateville Correctional Center (Stateville) when Plaintiff's lower left leg gave out, causing severe pain and later, swelling of his achilles.

2. Mr. Petties was still having problems with a ruptured right achilles from April 11, 2010 in which he had to wear a cast for almost a year. Plaintiff since then had been putting all his weight walking on his left side to compensate.

3. Medical Technician Joe Sheehy was called and took plaintiff to the health-care unit, where Dr. Dubrick examined plaintiff and suspected a injured achilles and had Mr Petties sent to St. Joseph on March 14, 2012 where it was determined

that plaintiff's achilles tendon was 70% ruptured. Plaintiff was then sent to Winsdale orthopedics, who complained about the delay in sending plaintiff for treatment, and that because treatment had been so delayed, plaintiff would need surgery by a specialist. Plaintiff has not received the surgery to date.

4. Defendant Doctor Obasi is sued in his individual capacity while acting under color of law as on site medical director at Stateville, plaintiff's place of incarceration, recklessly and carelessly denied plaintiff's medically recommended and tending physician's request for Plaintiff's known injury, a ruptured achilles tendon on the left foot. Defendant was acting medical director, and saw Petties as a patient to determine whether to seek approval from Wexford Health Sources Inc. (Vendor) to send plaintiff for surgery. Defendant read plaintiff's chart, and told Petties he wasn't

going to approve plaintiff for surgery, that defendant didn't think Wexford would approve paying for such minor surgery. Plaintiff has not received his surgery, and has lingered in pain with a ruptured achilles tendon that would not heal properly without being sewed together. Defendant's actions were deliberately indifference to plaintiff's serious medical needs exposing plaintiff to cruel and unusual punishment in violation of the 8<sup>th</sup> Amendment to the United States Constitution.

5. Defendant Dr. Imhot Carter, is sued in his individual capacity while acting under color of law as on site medical director at Stateville, plaintiff's place of incarceration, carelessly and recklessly denied plaintiff for surgery of a known injury, a ruptured achilles tendon of the left foot. Defendant was acting director after Doctor Obasi left. Doctor Carter saw plaintiff as a patient, read



Mr. Petties medical chart and informed plaintiff, that Defendant would not send plaintiff for surgery, that Wexford's practice is to not approve offenders for minor surgeries that are not cost effective, so even if wanted to request surgery for plaintiff, Wexford Health Sources Inc. wouldn't approve it. Defendant's action in refusing to request recommended surgery for plaintiff was deliberately indifferent to a serious medical need resulted in cruel and unusual punishment in violation of the 8<sup>th</sup> Amendment to the United States Constitution.

6. Defendant Wexford Health Sources Inc. is sued in their individual capacity while acting under color of law as healthcare vendor for Stateville, plaintiff's place of incarceration were deliberately indifferent to plaintiff's known and serious medical need, instituted a "policy or practice" of unlawful conduct, in that defendant

denied Mr Petties surgery for his ruptured achillies tendon based on cost cutting practices, creating an environment of unlawful conduct through its employees and staff. Defendant was informed through their own "urgent referral request" for left ankle M.R.I. for plaintiff who was assesed with "complete rupture of left achillies and on March 19, 2012 approved a referral request for consult with the University of Illinois Medical Center (UIC) orthopedics for left foot (now) complete tear of achillies tendon. The UIC returned a recomendation surgery, and scheduled the sugery. Defendant rejected the recomendation based on the cost of the surgery. When plaintiff was first examed, he had a 70% rupture, when examed by ~~traf~~ I (UIC) the rupture was complete and remains so to this date. Defendant has allowed the practice of denying needed surgerys based on cost and



and has caused an unlawful practice that denied plaintiff surgery for a complete rupture of the left achilles tendon inflicting cruel and unusual punishment upon the person of Mr. Petties in violation of the 8<sup>th</sup> Amendment to the United States Constitution.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiff seeks an injunction requiring  
the needed surgery and \$100,000.00  
in damages from each defendant

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 10 day of 22, 2012

Tyroe Pettis  
(Signature of plaintiff or plaintiffs)

Tyroe Pettis  
(Print name)

N - 52785  
(I.D. Number)

P.O. box 112  
60434

(Address)